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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BEAR RIVER BAND OF ROHNERVILLE
RANCHERIA, a federally recognized Indian Tribe,

Plaintiff,

v.

STATE OF CALIFORNIA, and GAVIN NEWSOM
IN HIS OFFICIAL CAPACITY AS GOVERNOR
OF CALIFORNIA,

Defendants

Case No.: 1:20-cv-01539-AWI-SKO

**STIPULATION AND ORDER TO
MODIFY SCHEDULING ORDER**

(Doc. 35)

Action Filed: August 12, 2020

Pursuant to the United States District Court, Eastern District of California Local Rules, Rule 143, George Forman, attorney for plaintiff Bear River Band of Rohnerville Rancheria (Plaintiff), on the one hand, and Timothy M. Muscat, Deputy Attorney General, attorney for defendant Gavin Newsom, in his official capacity as Governor of the State of California, and defendant State of California (collectively, Defendants), on the other hand, stipulate as follows:

1 On January 20, 2021, the Court filed the Scheduling Order in this case that established
2 several due dates, including the filing of a Joint Record of Negotiations (Joint Record) on or
3 before February 1, 2021. Counsel for Plaintiff prepared an initial Joint Record, and counsel for
4 Defendants reviewed the initial Joint Record and requested the addition of several documents.
5 The parties have been diligently working to meet the deadline. However, they want to ensure the
6 Joint Record accurately reflects the history of negotiations between the parties that has resulted in
7 a record in excess of 10,000 pages. The parties have requested no prior extension.

8 The parties jointly request that the court grant leave to file the Joint Record on Monday,
9 February 8, 2021. This will give the parties sufficient time to finalize the last details of the Joint
10 Record.

11 Granting this stipulation will not impact any other Scheduling Order due date. Under the
12 Scheduling Order, the parties are required to file all dispositive pretrial motions no later than
13 April 30, 2021. Filing the Joint Record on February 8, 2021, will provide the parties with
14 sufficient time to comply with this April 30, 2021 deadline.

Dated: February 1, 2021

Respectfully submitted,

By: /s/ George Forman
GEORGE FORMAN
FORMAN & ASSOCIATES
Attorneys for Plaintiff

Dated: February 1, 2021

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By: /s/ Timothy Muscat
TIMOTHY M. MUSCAT
Attorneys for Defendants

ORDER

The Court has reviewed the parties' above Stipulation to Modify Scheduling Order. (Doc. 35.) Pursuant to the Scheduling Order (Doc. 34), the "Joint Record of Negotiation" (the "Joint Record") was to be filed on February 1, 2021, the same day on which the parties filed the present request for extension. Requests for extension are governed by Rule 144 of the Local Rules of the United States District Court, Eastern District of California ("Local Rules"). Local Rule 144(d) explains that "[r]equests for Court-approved extensions brought on the required filing date for the pleading or other document are looked upon with disfavor." The parties are hereby ADMONISHED that any future requests for extensions of time shall be brought in advance of the required filing date and be supported by good cause under Fed. R. Civ. P. 16(b)(4). However, given the parties' representation that they are working to "ensure the Joint Record accurately reflects the history of negotiations between the parties," and the fact that the

requested extension will not affect any other dates in the Scheduling Order, the Court GRANTS the parties' request for an extension.

Accordingly, IT IS HEREBY ORDERED that the parties are granted an extension of time, up to and including February 8, 2021, to file the Joint Record.

IT IS SO ORDERED.

Dated: February 2, 2021

/s/ Sheila H. Oberto
UNITED STATES MAGISTRATE JUDGE